

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BETTY M. RODGERS, TRUSTEE )  
OF THE BETTY M. RODGERS )  
REVOCABLE TRUST, )

Plaintiff. )

vs. )

JACKSON NATIONAL LIFE )  
INSURANCE COMPANY, )

Defendant.

CASE NO. 8:13-cv-164

NOTICE OF REMOVAL

COMES NOW Defendant Jackson National Life Insurance Company ("Jackson"), pursuant to 28 U.S.C. § 1441, and submits this Notice of Removal of Civil Action ("Notice"), thereby removing this case to the United States District Court for the District of Nebraska.

In support of this Notice, Jackson states and alleges as follows:

Timeliness of Removal

1. Jackson has been named as a defendant in a civil action originally filed on April 29, 2013, in the District Court of Cherry County, Nebraska, Case No. CI13-26, entitled Betty M. Rodgers, Trustee of the Betty M. Rodgers Revocable Trust v. Jackson National Life Insurance Company. A true and correct copy of the Summons and Complaint in this action are attached as Exhibit A to this Notice.

2. Jackson was served with process by certified mail on or about May 6, 2013.

3. This Notice, filed within thirty days of Jackson's receipt of the Summons and Complaint, is timely under 28 U.S.C. 1446(b).

Jurisdictional Basis for Removal

4. This Court has original jurisdiction over the pending civil action under 28 U.S.C. § 1332 on the basis of diversity jurisdiction for the reasons that the claims in this action are between citizens and residents of different states and Plaintiff's claims place in controversy an amount in excess of \$75,000.00.

5. Plaintiff is a citizen and resident of Cherry County, Nebraska. (Ex. A, Complaint at ¶ 1.)

6. Jackson is a Michigan corporation with its primary place of business in Lansing, Michigan. (Ex. A, Complaint at ¶ 2.)

7. The amount in controversy in this action is apparent from the face of the Complaint. In the Complaint, Plaintiff seeks equitable relief concerning a life insurance policy. In particular, Plaintiff prays for an order requiring that a life insurance policy with a face value of \$250,000.00 be reinstated. (Ex. A, Complaint at ¶ 3.) Where a party seeks equitable relief pertaining to the enforcement of an insurance policy, the face value of the policy is the measure of the amount in controversy. See e.g., In re Minnesota Mut. Life Ins. Co. Sales Practices Litig., 346 F.3d 830, 834-35 (8th Cir. 2003). Jackson has therefore met its burden to establish, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.00.

8. Immediately after the filing of this Notice, Jackson will give Plaintiff written notification of the Notice.

9. A true and correct copy of this Notice will be filed with the Clerk of the District Court of Cherry County, Nebraska.

10. By filing this Notice, Jackson does not waive any defenses, affirmative claims, counterclaims, or third party claims that may be available.

WHEREFORE, because the claims in this action are between citizens of different states and Plaintiff's claims place in controversy an amount in excess of \$75,000.00, Jackson hereby removes the above-captioned case from the District Court of Cherry County, Nebraska to the United States District Court for the District of Nebraska.

REQUEST FOR PLACE OF TRIAL

11. Jackson hereby requests that trial be held in Omaha, Nebraska.  
Dated this 23rd day of May, 2013.

JACKSON NATIONAL LIFE INSURANCE  
COMPANY, Defendant.

By: James M. Bausch #10236  
Jonathan J. Papik #24473  
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By: /s/Jonathan J. Papik

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2013, a true and correct copy of the foregoing was served upon counsel of record to Plaintiff by United States first class mail, postage prepaid:

Larry W. Beucke  
Parker, Grossart, Bahensky, Beucke & Bowman, L.L.P.  
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Kearney, NE 68848

/s/ Jonathan J. Papik

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